

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In the Matter of the Application of Tower Cloud,
Inc. for a Certificate of Public Convenience and
Necessity to Provide Resold and Facilities-Based
Interexchange Telecommunications Services
in the State of South Carolina and for
Alternative Regulation

DOCKET NO 2010-172-C

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING FINANCIAL INFORMATION AS TRADE SECRET**

Introduction

Tower Cloud, Inc. ("Tower Cloud" or "Applicant"), by its attorneys, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.* and Commission Order No. 2005-226 and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the Public Service Commission of South Carolina ("Commission") of certain commercially-sensitive financial statements to be filed as a trade secret and which will be submitted as *Exhibit E* to the Application of Tower Cloud for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Interexchange Telecommunications Services in the State of South Carolina and for Alternative Regulation ("Application") upon the Commission's ruling on this Motion. Because this Motion is an inseparable part of the Application, it is being filed concurrently with the Application.

Tower Cloud provides the following information:

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1. The exact legal name, address and telephone number of the Applicant are

Tower Cloud, Inc.
9501 International Court North
St. Petersburg, Florida 33716
Telephone: 727.471.5600
Facsimile: 727.471.5638

2. Correspondence or communications regarding this Motion should be addressed to:

Marsha A. Ward, Esquire
James R. McGibbon, Esquire
Sutherland Asbill & Brennan LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309
Telephone: 404.853.8000
Facsimile: 404.853.8806
Email: marsha.ward@sutherland.com
Email: jim.mcgibbon@sutherland.com

A. Description of Confidential Information.

3. The Application requires Tower Cloud to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits its financial statements which are not generally disclosed to the public because Tower Cloud is not a publicly traded company. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

B. Grounds for Claim of Confidentiality.

4. Tower Cloud is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements which will be *Exhibit E* to the Application are not readily available to

persons external to Tower Cloud except for regulatory and governmental agencies with jurisdiction over Tower Cloud, and then only under seal.

5. Because the financial statements submitted by Tower Cloud in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Tower Cloud seeks to protect such material from public disclosure. Tower Cloud derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors with an unfair and undeserved competitive advantage.

6. Tower Cloud clarifies herein that its request for protection applies only to the documents to be attached as *Exhibit E* to the Application. Tower Cloud is not seeking protection of any type for those reports Tower Cloud is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

7. The financial information included in support of Tower Cloud, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to Tower Cloud as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Tower Cloud to make this information available to the public. For all these reasons, the

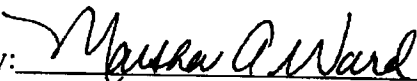
financial statements to be included as *Exhibit E* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Tower Cloud, Inc. respectfully requests that the Public Service Commission of South Carolina grant this Motion for Protective Treatment with respect to the financial statements to be attached as *Exhibit E* to the Application for a Certificate of Public Convenience and Necessity to Provide Interexchange Telecommunications Services in the State of South Carolina. Upon the Commission's ruling on the Motion, Tower Cloud will forthwith file the required financial information under any allowed necessary protection.

Dated this 13th day of May, 2010.

Respectfully submitted,

SUTHERLAND ASBILL & BRENNAN LLP.

By: 
Marsha A. Ward, Esq.
James R. McGibbon, Esq.
999 Peachtree Street, NE
Atlanta, GA 30309
Telephone: (404) 853-8000
marsha.ward@sutherland.com
jim.mcgonibbon@sutherland.com

Attorneys for Tower Cloud, Inc.